

FILED

NOV 15 2005

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

JAMIE ALLEN HUTTO)

CR. NO. 1:05CR265-F
[21 U.S.C. 841(a)(1)
18 U.S.C. 924(c)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about the 5th day of October, 2005, in Geneva County, within the Middle District of Alabama, the defendant,

JAMIE ALLEN HUTTO,

did knowingly and intentionally possess with the intent to distribute 50 grams or more of methamphetamine, and 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, both Schedule II Controlled Substances, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about the 5th day of October, 2005, in Geneva County, within the Middle District of Alabama, the defendant,

JAMIE ALLEN HUTTO,

did knowingly possess a Remington Model 870, 12 gauge shotgun, bearing serial number D601314A, in furtherance of a drug trafficking offense as charged in Count 1 herein, and did use and carry said firearm during and in relation to a drug trafficking offense as charged in Count 1 herein, in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION 1

A. Counts 1 and 2 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for violation of Title 21, United States Code, Section 841(a)(1) as alleged in Count 1 of this indictment, the defendant,

JAMIE ALLEN HUTTO

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count 1 of this indictment.

C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.

All in violation of Title 21, United States Code, Sections 841 and 853.

FORFEITURE ALLEGATION 2

A. Counts 1 and 2 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1), as alleged in Count 2 of this indictment the defendant,

JAMIE ALLEN HUTTO,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense including, but not limited to, the following:

One Remington Model 870, 12 Gauge Shotgun, Serial number D601314A.


C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided


without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in Paragraph B above.

All in violation of Title 18, United States Code, Section 924.


A TRUE BILL:




Foreperson



LEURA GARRETT CANARY
United States Attorney



JOHN T. HARMON
United States Attorney



A. CLARK MORRIS
Assistant United States Attorney